

UNITED STATES DISTRICT COURT
for the
Middle District of Tennessee

United States of America)
v.)
Joel H. Gilchrist) Case No. 09-4085 JSB

Defendant)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at *(if blank, to be notified)* _____ to be notified _____
Place
on _____ *Date and Time* _____

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

() (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.

() (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or surrender to serve any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (7) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. (only if above is an organization) _____

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: _____

Custodian or Proxy

Date

(X) (8) The defendant must:

(X) (a) report to the Pretrial Services Office as directed _____, telephone number (615) 736-5771, no later than _____

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: _____

() (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum: _____

() (d) execute a bail bond with solvent sureties in the amount of \$ _____

() (e) maintain or actively seek employment.

(X) (f) maintain or commence an education program.

() (g) surrender any passport to: _____

() (h) obtain no passport.

() (i) abide by the following restrictions on personal association, place of abode, or travel: _____

() (j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: _____

(X) (k) undergo medical or psychiatric treatment or remain in an institution as follows: *directed by Pretrial Services*.

() (l) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s): _____

() (m) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

() (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

() (o) refrain from () any () excessive use of alcohol.

() (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (q) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

() (s) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.

() (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

() (t) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.

() The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

() (i) Location monitoring technology as directed by the pretrial services office or supervising officer;

() (ii) Radio Frequency (RF) monitoring;

() (iii) Passive Global Positioning Satellite (GPS) monitoring;

() (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);

() (v) Voice Recognition monitoring.

() (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

() (v) Defendant shall permit a pretrial services officer to visit him/her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the officer.

Additional conditions attached.

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

Recommended Special Conditions—PRETRIAL Release- Revised 6/09

1. Polygraph

The defendant shall undergo polygraph examinations to monitor compliance with conditions of pretrial release, as directed by the pretrial services/probation office.

2. Alcohol Abstinence

The defendant shall not consume any alcoholic beverages.

3. Residence Restriction

The defendant's residence and employment shall be pre-approved by the pretrial services/probation office.

4. Restricted Contact with Minors

The defendant shall not associate with children who appear to be under the age of 18 nor frequent, volunteer, or work at places where children congregate (e.g., playgrounds, parks, malls, day-care centers or schools) unless approved by the pretrial services/probation office. The defendant shall have no contact with victims.

5. Restricted Materials

The defendant shall not possess, view, listen to, or go to locations where any form of pornography, sexually stimulating material, or sexually oriented material is available. The defendant shall not possess or use a device capable of creating pictures or video.

6. Restricted Access

The defendant shall not rent or use a post office box or storage facility.

7. Sex Offender Registration

~~(ADD only if there is a prior registerable sex offense)~~

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The defendant shall register as a sex offender as prescribed by state and federal law.

8. Computer Restrictions

The defendant shall not possess or use a computer or any device with access to any "on-line computer service" at any location (including place of employment) without the prior written approval of the probation office. This includes any Internet service provider, bulletin board system, or any other public or private network or e-mail system.

9. The defendant shall consent to the pretrial services/probation office conducting unannounced examinations of the defendant's computer or any computer to which the defendant has access. Examination of the computer system(s) includes internal/external storage devices, which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection. The defendant will consent to having installed on the defendant's computer(s), any hardware/software to monitor computer use or prevent access to particular materials. The defendant will further consent to periodic inspection of any such installed hardware/software to ensure it is functioning properly. The defendant shall pay the cost of computer monitoring at the prevailing rate according to ability as determined by the probation officer.

10. The defendant shall provide the pretrial services/probation office with accurate information about the defendant's entire computer system (hardware/software) and internal/external storage devices; all passwords used by the defendant; and will abide by all rules regarding computer use and restrictions as provided by the pretrial services/probation.

11. **Search/Seizure**

The defendant shall submit his or her person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or pretrial services/probation officer with reasonable suspicion concerning a violation of a condition of pretrial release, or unlawful conduct by the person, and by any pretrial services/probation officer in the lawful discharge of the officer's supervision functions.

12. **Financial Disclosure**

The defendant shall provide the pretrial services/probation office access to any requested financial information.

13. **GPS**

The defendant shall be subject to home confinement/curfew for a period of _____ months/days. While on home confinement/curfew, the defendant is required to remain in his/her residence at all times except for approved absences for gainful employment, community service, religious services, medical care or treatment needs and such other times as may be specifically authorized by the probation office. Electronic monitoring with a global positioning system (GPS) unit shall be used to monitor compliance. The defendant shall keep the GPS unit on his/her person at all times when outside the residence and must abide by detailed instructions regarding specific inclusion or exclusion zones. The defendant shall pay the cost of electronic monitoring at the prevailing rate according to ability as determined by the pretrial services/probation office.

while on release

14. **Informant**

Defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.

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J. Bryant*

15. **Travel**

Defendant shall not travel outside of the Middle District of Tennessee without prior approval of the pretrial services/probation office.

16. **Passport**

The defendant shall voluntarily turn over passport to _____ and agrees to allow _____ to maintain the passport pending this case. The defendant also agrees that he will not seek a new/replacement passport while on pretrial release.

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J. Bryant*

Other

17. The defendant shall permit pretrial services/probation officers to visit him at anytime at his home or elsewhere without advance notification. The defendant also shall permit confiscation of any contraband observed in plain view of the pretrial services/probation officers.
18. The defendant shall notify the pretrial services/probation officer with 48 hours of any law enforcement contact.
19. The defendant is prohibited from possessing any firearms, dangerous weapons or other destructive devices.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Joel H. Gliebman
Defendant's Signature
Lawvergne, T.M.
City and State

Directions to the United States Marshal

(X) The defendant is ORDERED released ~~after processing, as soon as GPS monitoring is installed and operational.~~

() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: October 8, 2009

John Bryant
Judicial Officer's Signature

JOHN S. BRYANT, U.S. MAGISTRATE JUDGE

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL